

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/315,680 (Reissue) Confirmation No.: 6820
Applicant(s): Peter Nicholls et al.
Filed: May 20, 1999
Art Unit: 3628
Examiner: Frantzy Poinvil
Title: LOGISTICS SYSTEM FOR AUTOMATING
TRANSPORTATION OF GOODS

Docket No.: 018360/204167
Customer No.: 00826

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WAIVE SIGNATURE REQUIREMENT OF NONSIGNING
INVENTORS
(37 C.F.R § 1.183)**

1. Assignee hereby petitions, in accordance with MPEP 1414.01 III and §1.183, in connection with a Supplemental Declaration filed concurrently herewith, to suspend the rules and grant a waiver of the signature requirement for nonsigning inventors Peter Nicholls and Steven Johnson.
2. As background, an inventor reissue declaration was filed on September 18, 2001 that included signatures of each named inventor and specified the error as "the recitation of a plurality of carriers and a plurality of rate servers in claim 1 of the original patent, thus rendering the claims too narrow." Since that date, claim amendments have been made and claims 100-104 have been added.
3. On August 25, 2006, the United States Patent and Trademark Office issued an Office Action in the present reissue application requiring a supplemental oath be submitted before the reissue application would be allowed. The Examiner suggested the

supplemental oath should identify the error as: "the recitation of a plurality of carriers and a plurality of rate servers as claimed in claim 1 is in error since the claimed subject matter does not require the plurality and a claim including a single carrier and a single rate server would be patentable. Claim 13 replaces the plurality with a carrier and a rate server." This error identifies the same claim limitation as was identified in the earlier signed declaration.

4. Filed concurrently herewith is a "Statement of Facts," signed by James Karr based on his personal knowledge of the actions taken to locate Mr. Nicholls and Mr. Johnson, in support the present petition.
5. Listed inventors Peter Nicholls and Steven Johnson were formerly employed by a subsidiary of United Parcel Service of America, Inc., the Assignee, but are presently not employed by the Assignee or a subsidiary thereof.
6. In response the 2006 Office Action, the Assignee has made a diligent effort to correspond with Mr. Nicholls by sending a letter to his last known address by UPS Worldwide Express delivery, informing him that the Assignee had documents for him to review and requesting him to confirm his identity as a former employee of a subsidiary of the Assignee and his address. A copy of this letter and the carrier's tracking data summary are attached to the accompanying Statement of Facts. As stated in the carrier tracking data summary, the carrier could not successfully deliver the letter and indicated that Mr. Nicholls had moved. The Assignee does not have any other address for Mr. Nicholls.
7. Similarly, a letter was sent to the last known address of Mr. Johnson by UPS Next Day Air delivery informing him that the Assignee had documents for him to review and requesting him to confirm his identity as a former employee of a subsidiary of the Assignee and his address. A copy of this letter and the carrier's tracking data summary are attached to the accompanying Statement of Facts. According to the carrier tracking data summary, this letter was successfully delivered to the last known address of Mr.

Johnson. But, the Assignee has not received a response to the letter suggesting that Mr. Johnson has either moved or is unwilling to correspond with the Assignee.

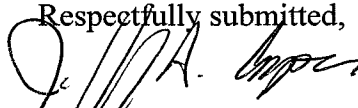
8. Accordingly, after making diligent efforts to obtain their cooperation, the Assignee has concluded that Mr. Nicholls and Mr. Johnson are either unreachable or are unwilling to receive documents for review from the Assignee. It follows that Mr. Nicholls and Mr. Johnson are likewise unreachable or unwilling to sign the supplemental declaration required by the 2006 Office Action.
9. A waiver of the signature requirement is therefore requested as necessary to preserve the rights of and to prevent irreparable damage to the Assignee. Justice requires that the present petition be granted in light of the diligent efforts of the Assignee in attempting to secure the cooperation of Mr. Nicholls and Mr. Johnson and the close correspondence in the recitation of error between the earlier executed declaration and the newly required supplemental declaration.
10. Assignee notes that the remaining five inventors have signed the accompanying supplemental declaration.

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11. The surcharge fee set forth in § 1.17(f) required by 37 C.F.R. 1.183, is paid as follows:


- ☐ check in the amount of \$400
- ☒ Charge Deposit Account 16-0605 the \$400
- ☒ Charge any additional fees required by this paper or credit any overpayment to Deposit Account 16-0605.

Respectfully submitted,



Jeffrey A. Cooper

Registration No. 54,757

Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Atlanta Office (404) 881-7000 Fax Atlanta Office (404) 881-7777	<p style="text-align: center;">CERTIFICATION OF ELECTRONIC FILING</p> <p>I hereby certify that this paper is being filed via the Electronic Filing System (EFS) to the United States Patent and Trademark Office on the date shown below.</p> <div style="display: flex; justify-content: space-between;"><div data-bbox="727 1037 1117 1121"> Shana Moore</div><div data-bbox="1208 1024 1409 1121"><u>2/13/07</u> Date</div></div>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**STATEMENT OF FACTS IN SUPPORT OF PETITION TO WAIVE SIGNATURE
REQUIREMENT OF NONSIGNING INVENTORS
(Under 37 C.F.R. § 1.183)**

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

James Karr
Name

55 Glenlake Parkway, NE
Address

Atlanta, GA 30328
Address

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTORS

Peter Nicholls

Full name of nonsigning inventor

Rue Des Touristes, 17:1170

Brussels Belgium

Last known address of nonsigning inventor

Steven Johnson

Full name of nonsigning inventor

5325 South Toledo Ave.

Tulsa, Oklahoma 74105

Last known address of nonsigning inventor

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTORS

I, James Karr, declare that:

1. I am a supervisor in the UPS Corporate Human Resources Department. United Parcel Services of America, Inc. is the assignee of the above-identified reissue patent application.
2. Last known addresses for Peter Nicholls and Steven Johnson were located in the personnel records of ConnectShip. ConnectShip, formally known as Tandata, is a subsidiary of the Assignee. I researched the corporate personnel records to confirm these addresses, but found no addresses for these individuals in the corporate records.
3. The last known addresses for Mr. Nicholls and Mr. Johnson from the ConnectShip records are:

Peter Nicholls
Rue Des Touristes, 17:1170
Brussels Belgium

Steven Johnson
5325 South Toledo Ave.
Tulsa Oklahoma 74105
4. I sent letters to Mr. Nicholls and Mr. Johnson to the last known addresses identified above. Mr. Nicholls' letter was sent by UPS Worldwide Express delivery. Mr. Johnson's letter was sent by UPS Next Day Air delivery.
5. Both letters requested that the recipients confirm that they were indeed the former employees of Tandata or ConnectShip and asked for confirmation of their addresses. The letters also indicated that the Assignee has documents for their review. No response has been received from either letter. A copy of each letter is attached.
6. Attached to this statement is a carrier tracking data summary printed on October 2, 2006 from the UPS CampusShip website summarizing the tracking data for the Nicholls letter. The most recent entry for this letter is that the receiver (i.e. Mr. Nicholls) has moved and the address is incomplete.
7. Attached to this statement is a carrier tracking data summary printed on September 27, 2006 from the UPS ConnectShip website summarizing the tracking data for the Johnson letter. The most recent entry indicates that the delivery was successfully made to the porch of Mr. Johnson's last known address on September 25, 2006. I have not received a response to this letter.
8. This statement is made as to the facts regarding my efforts to confirm the current addresses of Peter Nicholls and Steven Johnson and to request their cooperation in reviewing documents for UPS.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 19 DECEMBER 2006


James Karr

55 Glenlake Parkway, N.E.
Atlanta, GA 30328



September 22, 2006

Steven Johnson
5325 S. Toledo Ave
Tulsa OK 74105

Dear Mr. Johnson:

I have been asked to confirm your current address. Can you please confirm, by return mail or express mail, that you are the former employee of Tandata or Connectship? UPS has documents for your review and we want to ensure that we are sending them to the appropriate address. I appreciate your help. Thank you.

Regards, James Karr



UPS CampusShip™

[Shipping](#) | [Resources](#)**Shipping**[→ Begin Your Shipment](#)
[→ Help](#)[Welcome, Jim Lynch](#) | [Logout](#)[My Settings](#)**Track by Tracking Number****View Details**

To view Proof of Delivery, please select the link.

Status: Delivered [Proof of Delivery](#)
Delivered on: 09/25/2006 9:40 A.M.
Location: PORCH
Delivered to: 5325 S TOLEDO AVE
TULSA, OK, US 74135
Shipped or Billed on: 09/22/2006
Tracking Number: 1Z 11A F10 01 9198 939 8
Reference Number(s): 2034921715, 2034921715
Service Type: NEXT DAY AIR

[Information and services provided to My UPS users.](#)**Package Progress:**

Location	Date	Local Time	Activity
TULSA, OK, US	09/25/2006	9:40 A.M.	DELIVERY
	09/25/2006	5:19 A.M.	OUT FOR DELIVERY
	09/25/2006	5:07 A.M.	ARRIVAL SCAN
OKLAHOMA CITY, OK, US	09/25/2006	3:06 A.M.	DEPARTURE SCAN
	09/25/2006	12:53 A.M.	ARRIVAL SCAN
DALLAS/FT. WORTH A/P, TX, US	09/24/2006	9:26 P.M.	DEPARTURE SCAN
DORAVILLE, GA, US	09/22/2006	7:16 P.M.	ORIGIN SCAN
	09/22/2006	6:12 P.M.	PICKUP SCAN
US	09/22/2006	3:28 P.M.	BILLING INFORMATION RECEIVED

Tracking results provided by UPS: 09/27/2006 9:06 A.M. Eastern Time (USA)

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	09/22/2006	9:03 P.M.	ORIGIN SCAN
	09/22/2006	6:12 P.M.	PICKUP SCAN
US	09/22/2006	3:42 P.M.	BILLING INFORMATION RECEIVED

Tracking results provided by UPS: 09/27/2006 9:05 A.M. Eastern Time (USA)

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55 Glenlake Parkway, N.E.
Atlanta, GA 30328



September 22, 2006

Peter Nicholls
Rue Des Touristes, 17; 1170
Brussels Belgium

Dear Mr. Nicholls:

I have been asked to confirm your current address. Can you please confirm, by return mail or express mail, that you are the former employee of Tandata or Connectship? UPS has documents for your review and we want to ensure that we are sending them to the appropriate address. I appreciate your help. Thank you.

Regards, James Karr



UPS CampusShip™

Shipping Resources

Shipping

Welcome, Jim Lynch | [Logout](#)[My Settings](#)[→ Begin Your Shipment](#)[→ Help](#)

Track by Tracking Number

View Details

Status: Exception
Shipped to: PETER NICHOLLS
 JIM LYNCH
 RUE DES TOURISTES, 17; 1170
 BRUSSELS, BE 1299
Shipped or Billed on: 09/22/2006
Tracking Number: 1Z 11A F10 66 9930 221 5
Reference Number(s): 2034921715, 11AF10VRZQN, 2034921715
Service Type: EXPRESS

Information and services provided to My UPS users.

Package Progress:

Location	Date	Local Time	Activity
BRUSSELS, BE	09/26/2006	7:10 A.M.	THE RECEIVER'S ADDRESS IS INCOMPLETE. UPS IS ATTEMPTING TO OBTAIN THE ENTIRE ADDRESS AND COMPLETE THE DELIVERY.
	09/26/2006	6:54 A.M.	THE RECEIVER HAS MOVED. UPS ATTEMPTING TO LOCATE RECEIVER TO COMPLETE DELIVERY, NO DELIVERY WAS MADE
BRUSSELS, BE	09/25/2006	10:04 A.M.	THE RECEIVER HAS MOVED. UPS ATTEMPTING TO LOCATE RECEIVER TO COMPLETE DELIVERY, NO DELIVERY WAS MADE
	09/25/2006	7:58 A.M.	IN-TRANSIT SCAN
	09/25/2006	6:07 A.M.	IMPORT SCAN
	09/25/2006	6:06 A.M.	DESTINATION SCAN
ROISSY, PARIS, FR	09/24/2006	9:09 P.M.	ARRIVAL SCAN
PHILADELPHIA, PA, US	09/24/2006	7:58 A.M.	DEPARTURE SCAN
	09/24/2006	6:03 A.M.	ARRIVAL SCAN
LOUISVILLE, KY, US	09/24/2006	4:39 A.M.	DEPARTURE SCAN
LOUISVILLE, KY, US	09/23/2006	4:18 A.M.	ARRIVAL SCAN
	09/23/2006	4:01 A.M.	ADVERSE WEATHER CONDITIONS CAUSED THIS DELAY
HAPEVILLE, GA, US	09/23/2006	2:37 A.M.	DEPARTURE SCAN
HAPEVILLE, GA, US	09/22/2006	10:19 P.M.	ARRIVAL SCAN
DORAVILLE, GA, US	09/22/2006	10:00 P.M.	DEPARTURE SCAN

	09/22/2006	9:03 P.M.	ORIGIN SCAN
	09/22/2006	6:12 P.M.	PICKUP SCAN
US	09/22/2006	3:42 P.M.	BILLING INFORMATION RECEIVED

Tracking results provided by UPS: 10/02/2006 8:23 A.M. Eastern Time (USA)

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